

SENATE BILL 449

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CF 11r0695

By: **Senators Pugh, Ferguson, and Gladden**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Public School System – Charter Management Organizations –**
3 **Amendments to Collective Bargaining Agreements**

4 FOR the purpose of authorizing in Baltimore City certain charter management
5 organizations and certain employees to amend the provisions of certain
6 collective bargaining agreements under certain circumstances; requiring certain
7 charter management organizations to propose, present, and inform certain
8 public school personnel of certain amendments; requiring a certain election to
9 be conducted by secret ballot on certain premises during certain hours;
10 requiring implementation of certain amendments under certain circumstances;
11 providing for the expiration, enforcement, and availability of certain
12 amendments; requiring the adoption of certain regulations; providing for the
13 construction of this Act; defining a certain term; and generally relating to
14 authorizing in Baltimore City charter management organizations to propose
15 amendments to existing collective bargaining agreements in public charter
16 schools.

17 BY repealing and reenacting, without amendments,
18 Article – Education
19 Section 9–108
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2010 Supplement)

22 BY adding to
23 Article – Education
24 Section 9–108.1
25 Annotated Code of Maryland
26 (2008 Replacement Volume and 2010 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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Article – Education

2 9–108.

3 (a) Employees of a public charter school:

4 (1) Are public school employees, as defined in §§ 6–401(e) and 6–501(g)
5 of this article;6 (2) Are employees of a public school employer, as defined in §§
7 6–401(f) and 6–501(h) of this article, in the county in which the public charter school is
8 located; and9 (3) Shall have the rights granted under Title 6, Subtitles 4 and 5 of
10 this article.11 (b) If a collective bargaining agreement under Title 6, Subtitle 4 or Subtitle 5
12 of this article is already in existence in the county where a public charter school is
13 located, the employee organization and the public charter school may mutually agree
14 to negotiate amendments to the existing agreement to address the needs of the
15 particular public charter school.16 **9–108.1.**17 **(A) IN THIS SECTION, “CHARTER MANAGEMENT ORGANIZATION” MEANS**
18 **A NONPROFIT ORGANIZATION THAT CREATES, OPERATES, MANAGES, OR**
19 **SUPPORTS PUBLIC CHARTER SCHOOLS:**20 **(1) UNDER A LICENSING AGREEMENT WITH AN ENTITY THAT IS**
21 **ESTABLISHED TO CREATE AND SUPPORT SCHOOLS THAT PROVIDE A**
22 **COLLEGE–PREPARATORY EDUCATION PRIMARILY FOR STUDENTS WHO ARE**
23 **ELIGIBLE TO RECEIVE SERVICES FUNDED UNDER TITLE I OF THE FEDERAL**
24 **ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, 20 U.S.C. 6301 ET**
25 **SEQ; AND**26 **(2) BY CENTRALIZING OR SHARING SPECIFIED FUNCTIONS AND**
27 **RESOURCES AMONG PUBLIC CHARTER SCHOOLS.**28 **(B) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**29 **(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IF A COLLECTIVE**
30 **BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS**
31 **ARTICLE IS ALREADY IN EXISTENCE, A CHARTER MANAGEMENT ORGANIZATION**
32 **AND THE EMPLOYEES WHO WORK AT A PUBLIC CHARTER SCHOOL OPERATED BY**
33 **A CHARTER MANAGEMENT ORGANIZATION MAY AMEND THE PROVISIONS OF THE**

1 EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE PARTICULAR PUBLIC
2 CHARTER SCHOOL OPERATED BY THE CHARTER MANAGEMENT ORGANIZATION.

3 (D) (1) AN AMENDMENT TO A COLLECTIVE BARGAINING AGREEMENT
4 PROPOSED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE PROPOSED BY
5 THE CHARTER MANAGEMENT ORGANIZATION AND PRESENTED TO THE
6 EMPLOYEES WHO WORK AT THE PUBLIC CHARTER SCHOOL.

7 (2) AFTER PRESENTING AN AMENDMENT TO THE EMPLOYEES,
8 THE CHARTER MANAGEMENT ORGANIZATION SHALL INFORM THE PUBLIC
9 SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION OF THE PROPOSED
10 AMENDMENT.

11 (E) (1) THE CHARTER MANAGEMENT ORGANIZATION SHALL
12 CONDUCT AN ELECTION FOR THE APPROVAL OR DISAPPROVAL OF THE
13 PROPOSED AMENDMENT BY THE EMPLOYEES WHO WORK AT THE PUBLIC
14 CHARTER SCHOOL.

15 (2) THE ELECTION REQUIRED UNDER PARAGRAPH (1) OF THIS
16 SUBSECTION SHALL BE:

17 (I) BY SECRET BALLOT;

18 (II) ON THE PREMISES OF THE PUBLIC CHARTER SCHOOL;
19 AND

20 (III) DURING A REGULAR WORKDAY.

21 (3) THE PROPOSED AMENDMENT SHALL BE IMPLEMENTED IF
22 80% OR MORE OF THE EMPLOYEES WHO WORK AT THE PUBLIC CHARTER
23 SCHOOL VOTE IN THE ELECTION TO APPROVE THE AMENDMENT.

24 (F) THE PUBLIC SCHOOL EMPLOYER SHALL ADOPT REGULATIONS THAT
25 GOVERN ELECTIONS HELD UNDER THIS SECTION AND THAT INCLUDE:

26 (1) A REQUIREMENT THAT THE PUBLIC SCHOOL EMPLOYER
27 SUPERVISE THE ELECTION; AND

28 (2) A PROCESS BY WHICH THE RESULTS SHALL BE CERTIFIED.

29 (G) AN AMENDMENT THAT IS APPROVED UNDER SUBSECTION (E)(3) OF
30 THIS SECTION SHALL:

1 **(1) EXPIRE WHEN THE COLLECTIVE BARGAINING AGREEMENT TO**
2 **WHICH THE AMENDMENT IS PROPOSED EXPIRES;**

3 **(2) BE ENFORCEABLE IN THE SAME MANNER AS THE COLLECTIVE**
4 **BARGAINING AGREEMENT ALREADY IN EXISTENCE IN THE COUNTY; AND**

5 **(3) BE MADE AVAILABLE ON REQUEST.**

6 **(H) THIS SECTION MAY NOT BE CONSTRUED TO AUTHORIZE A CHARTER**
7 **MANAGEMENT ORGANIZATION TO PROPOSE AN AMENDMENT TO A COLLECTIVE**
8 **BARGAINING AGREEMENT THAT IS OTHERWISE PROHIBITED FROM**
9 **NEGOTIATION UNDER §§ 6-408(B)(3) AND 6-510(B)(3) OF THIS ARTICLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 June 1, 2011.